

Order

Michigan Supreme Court
Lansing, Michigan

January 29, 2021

Bridget M. McCormack,
Chief Justice

162136

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 162136
COA: 346661
Livingston CC: 18-025036-FH

KEVIN WHITE, JR.,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the September 3, 2020 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing: (1) whether the criminal act of the principal can, for purposes of venue, be attributed to an alleged aider and abettor who is being “prosecuted, indicted, [and] tried . . . as if he had directly committed the offense,” MCL 767.39; and (2) whether it is relevant for the purpose of establishing venue in this prosecution for delivery of a controlled substance causing death, MCL 760.317a that the appellant delivered the controlled substance in Macomb County and there is no evidence that the appellant knew that the person to whom he delivered the controlled substance had moved from Macomb County to Livingston County, see MCL 762.8; *People v McBurrows*, 504 Mich 308 (2019). In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant’s brief. The appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee’s brief. The parties should not submit mere restatements of their application papers.

The Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



s0126

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 29, 2021

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk